

REMARKS

In the Office Action, the Examiner rejected claims 1-15, 17-48, 50-98, and 110-121. Applicants canceled claims 16, 49, and 99-109 in a previous communication. However, for the reasons set forth below, Applicants respectfully submit that all of pending claims 1-15, 17-48, 50-98, and 110-121 are allowable in their present form. Applicants respectfully request reconsideration of the above-referenced application in view of the following remarks.

Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1, 2, 4-6, 11-15, 17-23, 25-27, 30, 31, 33, 35, 36, 41-48, 50-53, 59-69, 75-80, 83-85, 89-93, 95-98, and 110-121 under 35 U.S.C. § 103(a) as unpatentable over Reichmeyer et al. (U.S. Patent No. 6,286,038) in view of Hamner et al. (U.S. Patent No. 6,076,106) and Watanabe (U.S. Patent Publication No. 2002/0062364); claims 3, 7, 9, 10, 34, 38, 40, 70, 71, 73, 74, 86, 88, and 94 under 35 U.S.C. § 103(a) as unpatentable over Reichmeyer et al. in view of Hamner et al., Watanabe, and Caswell et al. (U.S. Patent No. 6,336,138); claims 24, 32, 54-58, 81, and 82 under 35 U.S.C. § 103(a) as unpatentable over Reichmeyer et al. in view of Hamner et al., Watanabe, and Li et al. (U.S. Patent No. 6,012,088); claims 8, 39, 72, and 87 under 35 U.S.C. § 103(a) as unpatentable over Reichmeyer et al. in view of Hamner et al., Watanabe, Caswell et al., and Morisada et al. (EP 0964546 A2); claims 28 and 29 under 35 U.S.C. § 103(a) as unpatentable over Reichmeyer et al. in view of Hamner et al., Watanabe, and Tonelli et al. (U.S. Patent No. 6,229,540); claim 37 under 35 U.S.C. § 103(a) as unpatentable over Reichmeyer et al. in view of Hamner et al., Watanabe, and Pike (U.S. Patent No. 6,721,880); and claim 18 under 35 U.S.C. § 103(a) as unpatentable over Reichmeyer et al. in view of Hamner et al., Watanabe, and Bonasia et al. (U.S. Patent No. 6,901,439). Applicants respectfully traverse these rejections.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Removal of the Watanabe Reference Pursuant to 37 C.F.R. § 1.131

Applicants respectfully note that each of the rejections in the Office Action relies on the Watanabe reference. While Applicants do not necessarily agree with the present rejections, in view of the earlier date of invention by Applicants of the subject matter disclosed and claimed in the present application, Applicants elect to remove the Watanabe reference pursuant to 37 C.F.R. § 1.131.

As will be appreciated, under 37 C.F.R. § 1.131, Applicants may overcome a prior art rejection by filing an appropriate declaration that establishes invention of the claimed subject matter by Applicants prior to the effective date of the reference relied upon in the rejection. Prior invention may be shown by establishing reduction to practice in the United States, a NAFTA country, or a WTO member country prior to the effective date of the reference. Accordingly, Applicants submit the enclosed declarations of inventors Charles W. Cochran and Billy S. Little pursuant to Rule 131 ("the Rule 131 declarations"), signed by the inventors of record, to demonstrate that the invention disclosed and claimed in the present application was reduced to practice prior to the effective date of the Watanabe reference.

Applicants respectfully submit that the effective date of the Watanabe reference is April 3, 2001. As indicated by paragraph 3 of the attached Rule 131 Declarations, the inventors declare that the invention disclosed and claimed in the present application was actually reduced to practice prior to the effective date of April 3, 2001. Applicants further submit that Exhibits A-C in their entirety further evidence this reduction to practice and, along with the corresponding Rule 131 Declarations, are sufficient to demonstrate actual reduction to practice of the claimed subject matter prior to April 3, 2001. Additionally, although not believed necessary, Applicants would be happy to provide access to a physical copy of the compact disc of Exhibit A at the Examiner's request. Accordingly, in view of the actual reduction to practice by Applicants prior to the effective date of the Watanabe reference, Applicants respectfully request that the Examiner remove the Watanabe reference from consideration and withdraw all outstanding rejections based on this cited reference.

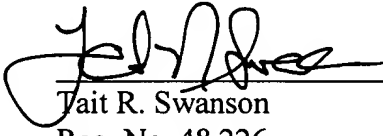
Upon removal of the Watanabe reference, Applicants stress that pending claims 1-15, 17-48, 50-98, and 110-121 should be in condition for allowance.

Conclusion

In view of the remarks set forth above and the evidence submitted herewith, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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Tait R. Swanson
Reg. No. 48,226
(281) 970-4545

HEWLETT-PACKARD COMPANY

Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400